

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH HOLMES, JR.,

Defendant.

2:21-CR-212-APG-EJY

Amended Preliminary Order of Forfeiture

This Court finds Joseph Homes, Jr., pled guilty to Counts One and Two of a Two-Count Criminal Information charging him in Count One with conspiracy to possess counterfeit and unauthorized access devices in violation of 18 U.S.C. § 1029(a)(3) and (b)(2) and in Count Two with aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) with 1028A(c)(4). Criminal Information, ECF No. 51; Plea Agreement, ECF No. 53; Arraignment & Plea, ECF No. 55.

This Court finds Joseph Homes, Jr., agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 51; Plea Agreement, ECF No. 53; Arraignment & Plea, ECF No. 55.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offenses to which Joseph Homes, Jr., pled guilty.

The following property is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to violations of 18 U.S.C. § 1029(a)(3) and 18 U.S.C. § 1028A(a)(1) with 1028A(c)(4), or 18 U.S.C. § 1029(b)(2), conspiracy to commit such

1 offenses; (2) any property, real or personal, which constitutes or is derived from proceeds
 2 traceable to violations of 18 U.S.C. § 1029(a)(3) and 18 U.S.C. § 1028A(a)(1) with
 3 1028A(c)(4), specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and
 4 1961(1)(B), or 18 U.S.C. § 1029(b)(2), conspiracy to commit such offenses; (3) any property
 5 constituting, or derived from, proceeds obtained directly or indirectly, as the result of
 6 violations of 18 U.S.C. § 1029(a)(3) and 18 U.S.C. § 1028A(a)(1) with 1028A(c)(4), or 18
 7 U.S.C. § 1029(b)(2), conspiracy to violate such offenses; and (4) any personal property used
 8 or intended to be used to commit the violations of 18 U.S.C. § 1029(a)(3) and 1029(b)(2)
 9 and 18 U.S.C. § 1028A(a)(1) with 1028A(c)(4) and is subject to forfeiture pursuant to 18
 10 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(B); 18 U.S.C.
 11 § 1029(c)(1)(C) with 1029(c)(2); and 21 U.S.C. § 853(p):

- 12 1. \$89,710 in United States Currency;
- 13 2. a debit card with the last four digits of the account number being 0913 issued in
 14 the name of S.F.;
- 15 3. a debit card with the last four digits of the account number being 5158 issued in
 16 the name of V.B.;
- 17 4. a debit card with the last four digits of the account number being 8208 issued in
 18 the name of J.S.;
- 19 5. a debit card with the last four digits of the account number being 5504 issued in
 20 the name of D.Wi.;
- 21 6. a debit card with the last four digits of the account number being 0404 issued in
 22 the name of I.S.;
- 23 7. a debit card with the last four digits of the account number being 9414 issued in
 24 the name of D.H.;
- 25 8. a debit card with the last four digits of the account number being 0327 issued in
 26 the name of T.Y.;
- 27 9. a debit card with the last four digits of the account number being 2658 issued in
 28 the name of D.P.;

1 10. a debit card with the last four digits of the account number being 0689 issued in
2 the name of K.T.;

3 11. a debit card with the last four digits of the account number being 5802 issued in
4 the name of J.B.;

5 12. a debit card with the last four digits of the account number being 2317 issued in
6 the name of D.Wa.;

7 13. a debit card with the last four digits of the account number being 8028 issued in
8 the name of B.W.;

9 14. a debit card with the last four digits of the account number being 4370 issued in
10 the name of O.C.;

11 15. a debit card with the last four digits of the account number being 8184 issued in
12 the name of J.M.;

13 16. a debit card with the last four digits of the account number being 8703 issued in
14 the name of C.W.;

15 17. a debit card with the last four digits of the account number being 2873 issued in
16 the name of T.B.;

17 18. a debit card with the last four digits of the account number being 0196 issued in
18 the name of D.R.; and

19 19. digital devices seized on September 18, 2020 during defendant's arrest, including
20 but not limited to (a) five (5) iPhones with unknown serial numbers, (b) silver
21 Mac Book Air, serial # FVFCPDCUMNHQ, (c) black Lenovo laptop, serial #
22 PBH394C, (d) silver HP laptop, serial # 5CD03230PN3, (e) silver HP laptop,
23 serial # 5CG0246KGD, and (f) gray iPad, serial # DMPD9R9NLM93
24 (all of which constitutes property).

25 This Court finds that on the government's motion, the Court may at any time enter
26 an order of forfeiture or amend an existing order of forfeiture to include subsequently
27 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
28 32.2(b)(2)(C).

1 This Court finds the United States of America is now entitled to, and should, reduce
2 the aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
4 DECREED that the United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
6 rights, ownership rights, and all rights, titles, and interests of Joseph Homes, Jr., in the
7 aforementioned property are forfeited and are vested in the United States of America and
8 shall be safely held by the United States of America until further order of the Court.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
10 of America shall publish for at least thirty (30) consecutive days on the official internet
11 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
12 describe the forfeited property, state the time under the applicable statute when a petition
13 contesting the forfeiture must be filed, and state the name and contact information for the
14 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
15 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
16 the government may instead serve every person reasonably identified as a potential claimant
17 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
18 Rule G(4)(a)(i)(A).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
20 or entity who claims an interest in the aforementioned property must file a petition for a
21 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
22 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C.
23 § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
24 right, title, or interest in the forfeited property and any additional facts supporting the
25 petitioner's petition and the relief sought.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
27 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
28 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was

1 not sent, no later than sixty (60) days after the first day of the publication on the official
2 internet government forfeiture site, www.forfeiture.gov.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
4 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
5 Attorney's Office at the following address at the time of filing:

6 Daniel D. Hollingsworth
7 Assistant United States Attorney
8 James A. Blum
9 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED: December 9, 2021.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE